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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 243
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Cutrona

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SUMMARY

- Prohibits political subdivisions from regulating or taxing knives or knife components, including their use and sale.
- Prohibits political subdivisions from regulating or taxing the manufacture of knives in a manner more restrictive than the manufacture of other commercial goods.
- Repeals any contrary ordinances, resolutions, or rules.

DETAILED ANALYSIS

Regulations of knives by political subdivisions prohibited

The bill prohibits political subdivisions¹ from enacting any ordinance, resolution, rule, or tax “relating to” the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, or use of a knife or knife-making components. Under the bill, a “knife” is defined as “a cutting instrument and includes a sharpened or pointed blade.”

The bill also prohibits political subdivisions from regulating or taxing the manufacture of knives in a manner more restrictive than the manufacturing of other commercial goods. Under the bill, political subdivisions still may regulate the manufacture of knives, but with the limitation that the regulation be not more restrictive than other manufacturing regulations.

¹ “Political subdivision” means a county, township, municipal corporation, or any other body corporate and politic responsible for governmental activities in a geographic area smaller than the state. R.C. 9.681(A).

The bill also “repeals” and makes “null and void” any ordinances, resolutions, or rules relating to “the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, or use of a knife or knife-making component.”²

COMMENT

The bill has the potential to be challenged under the Home Rule Amendment to the Ohio Constitution as applied to municipal corporations and charter counties. Municipal corporations and charter counties have the power to “adopt and enforce local police, sanitary, and other similar laws as are not in conflict with general laws.”³ By prohibiting a municipal corporation or charter county from regulating knives, the bill might infringe upon this authority. An ordinance must not conflict with a statute of the General Assembly that is a “general law.” Not all laws enacted by the General Assembly are “general laws” for home rule purposes. A law is a general law only if it:

- Is part of a statewide and comprehensive legislative enactment;
- Applies to all parts of the state alike and operates uniformly throughout the state;
- Sets forth police, sanitary, or similar regulations, *rather than purporting only to grant or limit legislative power of a municipal corporation* to set forth police, sanitary, or similar regulations [emphasis added]; and
- Prescribes a rule of conduct upon citizens generally.⁴

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 03-31-21 |

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² R.C. 9.681.

³ Ohio Constitution, Article XVIII, Section 3 and Article X, Section 3.

⁴ *Canton v. State*, 95 Ohio St.3d 149 (2002).